

## REMARKS

### **I. Status of the Claims**

Claims 1-9, 12 and 14-20 are pending in the application, claims 10, 11 and 13 having been canceled. Claims 1-9 and 12 stand withdrawn and are canceled herein. Claims 14-20 are under examination and stand rejected for alleged lack of enablement, claims 14 and 19 are rejected for alleged anticipation, and claims 14-20 stand rejected for alleged obviousness-type double-patenting. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### **II. Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 14-20 stand rejected as lacking enablement for the full scope of the claimed subject matter. According to the examiner, the claims remain too broad in claiming treatment of the recited cancers using GnRH analogues generally. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to recite particular analogues listed in the specification, in particular those in Table 1 at page 9, which are indicated by the examiner to be enabled. In addition, applicants point out that Synarel® is discussed at page 2 of the application, and is the trademarked name for nafarelin, and is thus supported as well. Applicants respectfully request reconsideration and withdrawal of the rejection.

### **III. Rejection Under 35 U.S.C. §102**

Claims 14 and 19 stand rejected under §102 as allegedly anticipated by Laue *et al.* According to the examiner, optic gliomas in six patients treated with an LHRH analog would have been "inherently" treated by the administered agent. Applicants traverse, but in the interest

of advancing the prosecution, the claims have been amended to recite that the tumors are malignant. Admittedly, the gliomas in patients of the Laue study were not progressing, and this same amendment was deemed sufficient to over a rejection over Laue in the related case U.S. Serial No. 10/327,621. Applicants request reconsideration and withdrawal of the rejection.

**IV. Rejection for Alleged Obviousness-Type Double-Patenting**

Claims 14-20 stand rejected as obvious over claims 35-40, 50 and 51 of copending U.S. Serial No. 10/327,621. Applicants traverse, but in the interest of advancing the prosecution, a terminal disclaimer will be filed at such time as no other grounds for rejection remain in this application.

**V. Conclusion**

In light of the foregoing, applicants submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this submission, a telephone call to the undersigned is invited.

Respectfully submitted,



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